

# **BYLEY PRIMARY SCHOOL**

# **COMPLAINTS POLICY & PROCEDURE**

Approved by Governors: October 2017

Review Date: October 2019

## **Mission**

We provide a safe and inclusive learning environment where everyone is valued and encouraged to reach their full potential.

## **Aim**

We will endeavour to be fair, open and honest when dealing with any complaint and will always put the interests of our children above all else. We will give careful consideration to all complaints and we aim to resolve any complaint through dialogue and mutual understanding.

## **Rationale**

Under Section 29 of the [Education Act 2002](#), Governing Bodies of all maintained schools in England have been required to have in place a procedure to deal with complaints relating to the school. The law also requires the procedure to be publicised.

## **Dealing with Complaints – Initial concerns**

There is a difference between a ‘concern’ and a ‘complaint’. If we take informal ‘concerns’ seriously at the earliest stage it will reduce the numbers that develop into formal complaints. The formal procedures will need to be invoked only when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

The head teacher (Mrs Walsh) is the Complaints Co-Ordinator for our school. She will be responsible for the operation management of the schools Complaints procedure.

## **Framework of Principles**

The Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;

- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

### **Investigating Complaints**

The person investigating the complaint will:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### **Resolving Complaints**

At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following, an:

- apology;
- explanation;
- admission that the situation could have been handled differently or better;
- assurance that the event complained of will not recur;
- explanation of the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. The procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Unresolved complaints**

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education, School Complaints Unit,  
2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

### **Serious and Persistent Complaints**

The complaints procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant writes again on the same issue, then the complaint may be regarded as serial or persistent and school may choose not to respond.

The government guidance recommends that schools should be able to answer yes to the following questions before electing to cease correspondence on matter:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any).
- They are contacting the school repeatedly but making substantially the same points each time. The case is stronger if the school agrees with one or more of these statements:
  - The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – have they actually said as much in a letter, e-mail or telephone call?
  - Their letters/e-mails/telephone calls are often or always abusive or aggressive
  - They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who should be marked as serial or persistent; it is the complaint.

If the decision to stop responding is taken, the complainant will be informed in writing.

### **Time-Limits**

Complaints will be considered, and resolved, as quickly and efficiently as possible. The complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **The Stages of Complaints**

### **General Complaint:**

**Step 1** If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher; most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. **(Respond to within 5 school days of complaint)**

**Step 2** Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the head teacher. The head teacher will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage. **(Respond to within 10 school days of initial complaint)**

**Step 3** Only when an informal complaint fails to be resolved by the head teacher should a formal complaint be made to the governing body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the chair of governors via the school office.

If a complaint is sent directly to the GB, in effect passing the complaints procedure, the Chair of Governors will re-direct the complainant to the correct step of the complaints policy. The Complainant will be informed, by the Chair of Governors that they **must** follow the Complaints policy to ensure a fair hearing/decision.

## **Complaint about the head teacher:**

**Step 1** If a parent is concerned about anything to do with the behaviour, leadership or management of the head teacher, they should, in the first instance, discuss the matter with the head teacher; most matters of concern can be resolved positively in this way.

**Step 2** Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the chair of the governing body. The chair will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

**Step 3** Only when an informal complaint fails to be resolved by the chair should a formal complaint be made to the governing body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the governing body via the clerk to the governors (Ms Amanda Broom via the school office).

## **Governing body complaints committee**

The governing body must consider all written complaints within 21 school working days of receipt.

The chair of governors will nominate a governor to co-ordinate the procedure and will appoint a complaints panel consisting of 3 governors who are not employees of the school. The nominated co-ordinator will chair the complaints panel.

The co-ordinator will arrange a meeting of the complaints panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The head teacher will write a report addressing the complaint and ensure that the complaints panel members and the complainant receive a copy 4 days before the meeting. (If it is a complaint about the head teacher, the Chair of Governors will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the complaints panel members and the head teacher (or Chair of Governors) receives a copy 2 days before the meeting. Other written evidence will not be accepted at the meeting, except in exceptional circumstances.

### **Check list for a panel hearing**

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or Chair of Governors) may ask questions;
- the head teacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
  
- the head teacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the chair of the panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that
- problems of a similar nature do not recur.

### **Managing and Recording Complaints**

#### **Recording Complaints**

It would be useful for schools to record the progress of the complaint and the final outcome in writing. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found at the end of this policy. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. No meetings should be tape recorded. If the complainant does still go ahead and records the meeting – the recording should not be considered as part of the investigation of the complaint.

The nominated co-ordinator is responsible for the records and holds them centrally.

### **Governing Body Review**

The GB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools will identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating the school's performance.

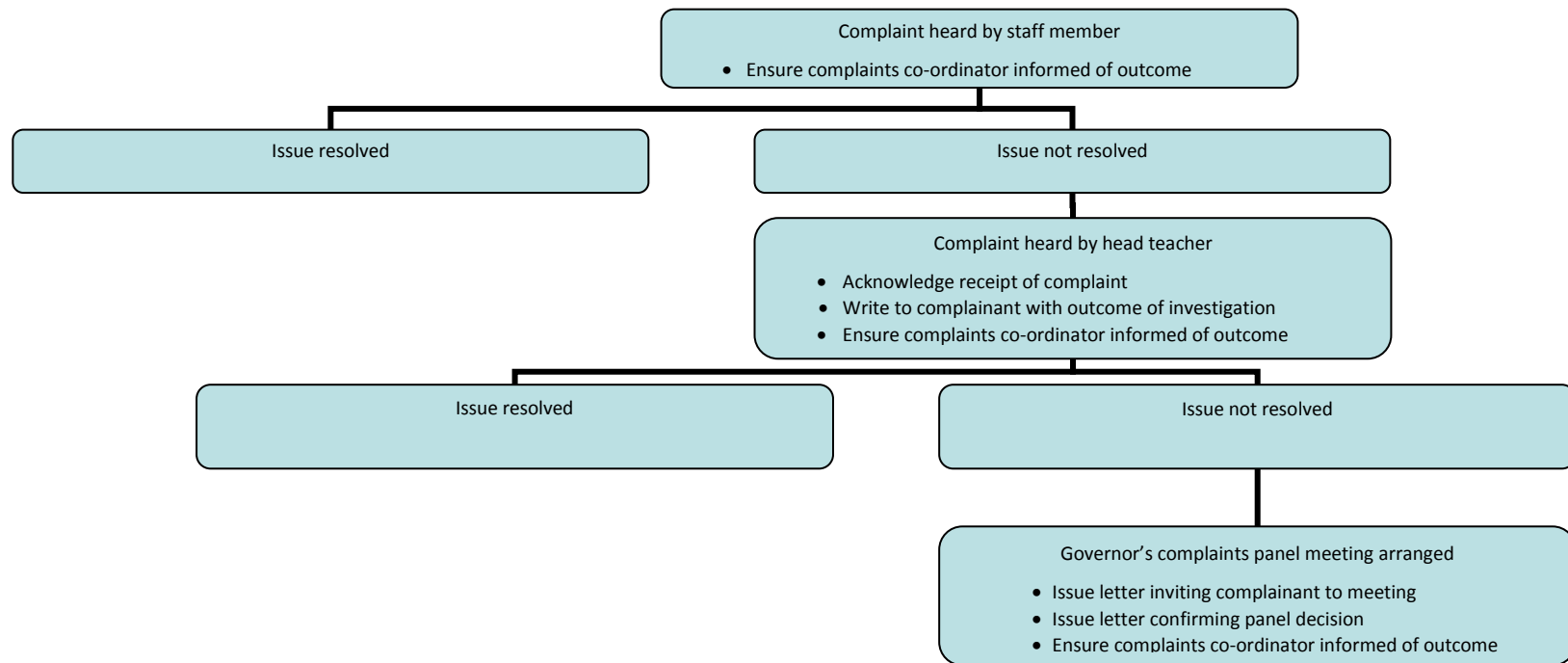
### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

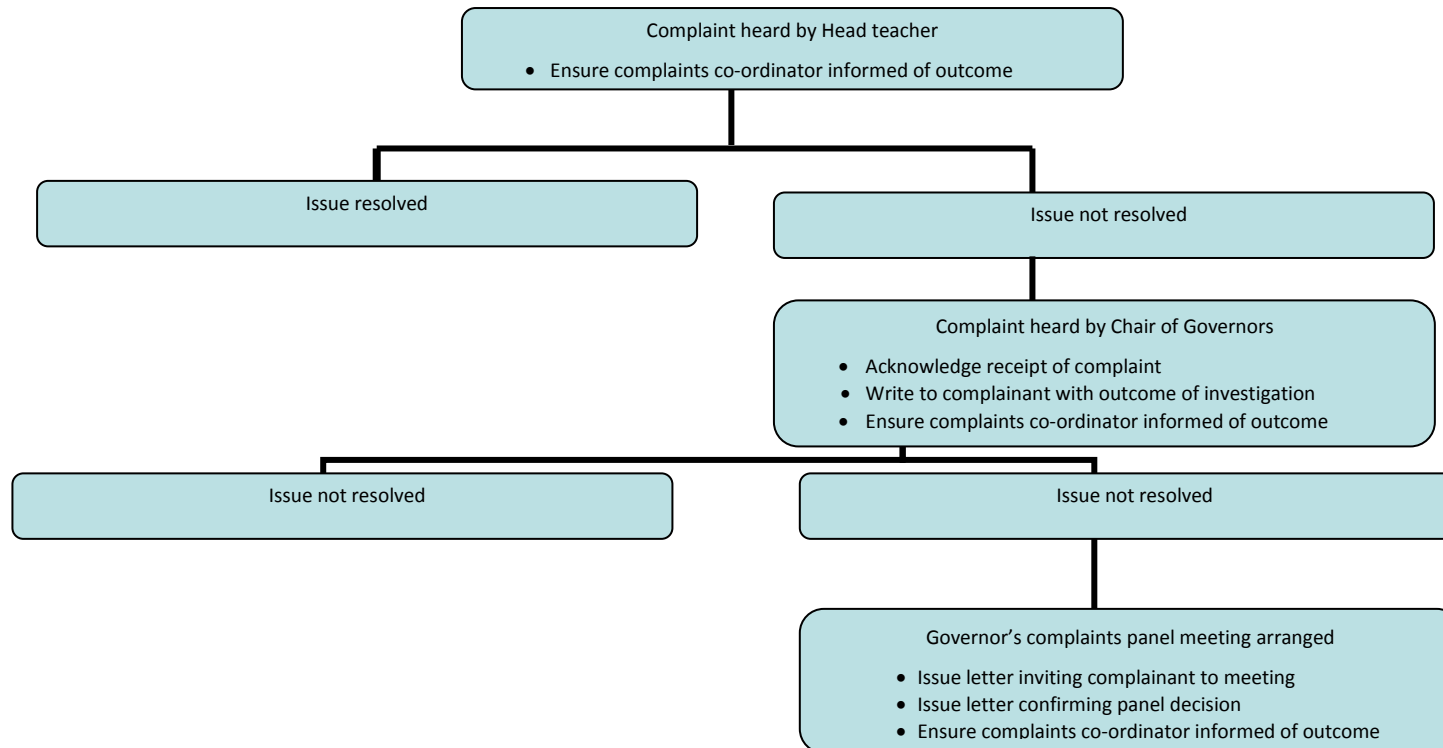
- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;



## Summary of Dealing with Complaints



## Summary of Dealing with Complaint against Headteacher



**Byley Primary School Complaint form**



## **BYLEY PRIMARY SCHOOL**

MOSS LANE  
BYLEY  
NR MIDDLEWICH  
CHESHIRE CW10 9NG  
Tel/ Fax: 01606 832519

<http://byleyprimary.schools.uk.com>

email: [head@byley.cheshire.sch.uk](mailto:head@byley.cheshire.sch.uk)

**Headteacher Mrs. K Walsh B.Sc (Hons) PGCE NPQH**

Please complete and return to the Head teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's Name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details:

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: